

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

NATIONAL ASSOCIATION OF SOCIAL
WORKERS, et al.,

Plaintiffs,

v.

CITY OF LEBANON, OHIO, et al.,

Defendants.

Case No. 1:22-cv-00258-SJD

Judge Susan Dlott

NOTICE AND STIPULATION

Plaintiffs the National Association of Social Workers and Women Have Options – Ohio (“Plaintiffs”) and Defendants the City of Lebanon, Ohio; Mark Messer, in his official capacity as Mayor; Scott Brunka, in his official capacity as City Manager; Mark Yurick, in his official capacity as City Attorney; and Jeffrey Mitchell, in his official capacity as Chief of Police,¹ agree and stipulate as follows:

1. The City of Lebanon will amend Lebanon Code of Ordinances Sections 509.09 and 509.10 in response to each of the claims that Plaintiffs are asserting in this litigation.
2. Defendants agree not to knowingly initiate prosecution under or otherwise enforce Lebanon Code of Ordinances Sections 509.09(B), with the exception of (B)(5); 509.09(D); and 509.10(C), with the exception of (C)(5), against Plaintiffs, their employees, members, or volunteers, nor knowingly initiate any prosecution against any person based on their providing

¹ As used in this Stipulation, “Defendants” includes both the named Defendants as well as their officers, agents, servants, employees, and attorneys, and all those acting in concert with them.

donations to Plaintiffs or performing work for or with Plaintiffs, from the date of this Stipulation until 30 days after the City of Lebanon amends Lebanon Code of Ordinances Sections 509.09 and 509.10, subject to the proviso in paragraph 3.

3. After the City of Lebanon amends Lebanon Code of Ordinances Sections 509.09 and 509.10, Plaintiffs will have 7 days to notify the Court and opposing counsel whether they intend to renew or update their Motion for a Preliminary Injunction or, in the Alternative, Expedited Summary Judgment, ECF No. 2. If Plaintiffs inform the Court and opposing counsel that they will not renew or update their Motion, or if Plaintiffs fail to provide the required notice within the 7-day window, then the amended ordinance will become fully enforceable, notwithstanding the 30-day nonenforcement period described in paragraph 2.

4. Defendants also agree not to knowingly initiate any future prosecution under or otherwise enforce Lebanon Code of Ordinances Sections 509.09(B), with the exception of (B)(5); 509.09(D); and 509.10(C), with the exception of (C)(5), against Plaintiffs, their employees, members, or volunteers, nor knowingly initiate any prosecution against any person based on their providing donations to Plaintiffs or performing work for or with Plaintiffs, based on conduct that occurs during this period of non-enforcement.

5. The Court will hold in abeyance Plaintiffs' Motion for a Preliminary Injunction or, in the Alternative, Expedited Summary Judgment, ECF No. 2 until Defendants amend Lebanon Code of Ordinances Sections 509.09 and 509.10. If, following the amendment of said ordinance, Plaintiffs renew or update said Motion, Defendants will file their response within two weeks, but Plaintiffs will not oppose any request for an extension if Defendants agree not to enforce the disputed provisions of the ordinance pending decision on that Motion.

6. The parties agree that this Stipulation does not entitle or allow the plaintiffs to claim “prevailing party” status under 42 U.S.C. § 1988, or constitute a basis for an award of attorneys’ fees as a prevailing party with respect to Plaintiffs’ Motion for a Preliminary Injunction or, in the Alternative, Expedited Summary Judgment, ECF No. 2.

Respectfully submitted,

/s/ B. Jessie Hill

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CERTIFICATE OF SERVICE

I, B. Jessie Hill, hereby certify that on this 26th day of May, 2022, I electronically filed the foregoing with the Clerk of Court for the United States District Court for the Southern District of Ohio, Western Division via the ECF system, which will send notification of such filing to all counsel of record.

/s/ B. Jessie Hill